

*** Sexworker.at Declaration ***

The sex worker forum is concerned about unjustified interferences with the fundamental human rights of women, men and transgender persons in the scope of sex work, be they suppliers, customers, operators or family members. The recognition of human dignity includes the respect for the the sex lives of others as the core realm of their privacy, even, and especially, in the context of sex work, as the sexual self-determination is sacrosanct.

Sexworker.at therefore presses to respect the individual rights of all people in the scope of sex work, on the level of legislation as well as regarding the practical implementation of the laws.



From this these specific requirements derive:

1. Fundamental human rights may be restricted solely where necessary to achieve a fair balance of interests with at least equivalent rights of others. Any restriction as a precaution, e.g. for easier prevention of possible crime, is disproportionate and therefore rejected. For as a logical extrapolation of this excessive precautionary thought, solitary confinement of all citizens would be advisable as the best protection for potential victims of crime.
2. No slanderous mixing of consensual sex with crime! Sex slavery and human trafficking ain't prostitution and these concepts must be clearly separated. The reference to milieu-related crime is a violation of the principle of 'presumption of innocence', pertaining to the origin of the perpetrator or the victim. Demands for state regulation of prostitution in order to combat milieu-related crime are therefore themselves already violations of fundamental human rights. Any accusations of exploitative pimping can't be viable, if standards applied are not the same as in other industries.

3. No monitoring of administrative violations with basic rights impairing methods, as those are permitted only for the prosecution of serious crimes! Of course, any unlawful gaining of insights into the intimate sphere by state and government (agent provocateur, & c.) have to cease with immediate effect. Incidents from the past should be investigated and perpetrators prosecuted in the cases degrading treatment had occurred.
4. No compulsory registration because of sex work! People in the area of sex work differ in the specific form of their sex life. Registering these people because of their sex files is a resurgence of undemocratic procedures believed to be overcome, similar to the registration of homosexuals. For such a serious (because stigmatizing) infringement of sex life there's by no reason any place in a democratic society.
5. No compulsory testing of sex workers! Experience has shown that the public health concern is not served with mandatory testing of sex workers. Regarding the risk of degrading treatment of examinees, also observed by the United Nations (CAT 44th Session), we demand the abolition of existing compulsory examinations and definitely reject all demands for the introduction of compulsory tests. We call instead for the development of low-threshold, anonymous and free examination, counselling and treatment services for all. Herein we join the demand of WHO.
6. Sex work is 'freiberuflich'! This German term means more than just self-employed, even in the case a sex worker has an employer it's the sole decision of that sex worker, what kind of service s(h)e offers, and to whom. Being de facto anyway 'freiberuflich' sex work has also to be recognized as such officially. Sex work is inherently 'freiberuflich', because it is a highly personal, non-delegable service, and no employer has the right to give instructions. The alternative, to apply trade law control to the actual provision of sexual services, would inevitably involve unjustified violations of fundamental and human rights.
7. No special regulations for pay-sex in tax laws! Requirements for sex workers and people in the scope of sex work are only permissible if they affect all citizens. Sex workers pay taxes on their earned income, as all other business people do. Any special treatment regarding taxation, because of the activities (entertainment tax, flat tax, venue of tax investigation instead of the normal tax office) is inappropriate, against equality, and thus rejected.
8. Abolish any restricted area regulations and special codes for building usage, restricting the exercise of sex work! Sex work in so far as a phenomenon invisible to the public (such as the visit of a sex worker at the customer's home) does not justify any official supervision. Besides other concerns such laws limit in a human rights violating manner the sex life of immobile persons (disabled clients). All regulations reasoned for the avoidance of public annoyance, but only applied to providers of paid sex, are to be repealed.
9. No decisions about sex work without the participation of sex workers! Sex workers have to participate in all relevant decisions with self-elected representatives. A policy of speaking not with, but about, sex workers is evidence of the decline of democratic values, as well as any argument based on an alleged "immorality".

Only rights can stop the wrongs!

State attempts to regulate the sexuality are not just per se violations of basic rights, but moreover enhance only mafia-like structures.

Original publication (German) 2. June 2010 - International Sex Worker Day
English translation December 17th, 2010 - International Day to End Violence Against Sex Workers
© www.sexworker.at